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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: Russell E. Henning § Art Unit: 2613
Serial No.: 09/751,129 § Examiner: Anand S. Rao
Filed: December 29, 2000 § Atty Docket: ITL.0501US
For: Providing Error Resilience and § P10387
Concealment for Video Data § Assignee: Intel Corporation
§

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

This responds to the new points raised by the Examiner in the Examiner's Answer.

Claim 1

Claim 1 *inter alia* calls for using different error resilience techniques with different frames. Specifically, the second error resilience technique "to replace the bit pattern for the second type of frame with a shorter bit pattern."

In the illustrated embodiment of the present specification, it is the variable length coder (VLC) block 255 that provides the shortened bit pattern. It replaces frequently occurring bit patterns with codes of shorter length, thereby reducing the total number of bits to be transmitted. See page 11, lines 13-16.

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I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In the Answer, at page 4, the Examiner never even mentions this last limitation of the claim, simply concluding, without analysis, that this element is possessed. However, in his more detailed analysis, he concedes that Shiomoto fails to teach the claimed limitation. Namely, in the Examiner's Answer at page 15, lines 1-5, the Examiner concedes that both the base layer techniques and the reinforcing layer techniques add data to the information. In other words, neither one of these techniques reduce any bit pattern, they both add data. In the case of the base layer coded techniques, the Examiner points out that 1b bytes are added and in the case of the reinforced layer, 1e bytes are added. (The Examiner incorrectly concludes that 1b is shorter than 1e. See Shiomoto, column 4, lines 39-44). In any case, the Examiner recognizes that the cited reference does not reduce the length of one frame type relative to another. The reference increases the length of both data types, thereby expressly teaching away.

For this reason alone, the Examiner's recognition of the deficiency of his own rejection and his failure to postulate a theory to overcome the deficiency dooms the rejection. Plainly, the citation of Shiomoto is perplexing because Shiomoto teaches the exact opposite approach to what is claimed. Namely, Shiomoto teaches (not with respect to frames, but with different types of data) simply adding more information to the data in both cases.

Moreover, the Shiomoto reference is immaterial because it does not handle different frames differently. The data that is being utilized is base layer data and reinforced layer data. The base layer data is the base layer sufficient for SDTV quality and the reinforced data is higher data that can be utilized to achieve HDTV quality. See Shiomoto at column 6, lines 19-22. Both data relate to the exact same frames. It is simply a matter of doing without when SDTV is elected.

Finally, the pertinency of Sun is very unclear since Sun is cited for using a first block to process a first type of frame and a second block to process a second type of frame. Even if this were so, Sun has no teaching relevant to the use of different error resilience techniques. The attempt to combine Sun with Shiomoto simply makes no sense because Shiomoto is not processing blocks on a frame differentiated basis. Therefore, the combination of the two references simply does not work.

Claim 10

Claim 10 calls for using a first error resilience technique that comprises applying resynchronization markers at a selected interval and second error resilience techniques that comprises applying resilience resynchronization markers at a different interval.

None of office actions to date or the Answer have ever attempted to show the use of resynchronization markers at different intervals for different resilience techniques, as well as can be determined.

Nothing in Webb is believed to teach any such thing. The citation to column 2, lines 20-35 of Webb, does mention markers, but not markers at different intervals associated with different error resilience techniques.

The suggestion that the Applicant is arguing the references individually is interesting, but misses the point that one can argue the references individually when no reference teaches the claimed invention and no rationale to modify to reach the claimed invention is ever suggested. There is no other way to argue it. The limitation is not in any cited reference and all the Applicant can do is point out that it is not there and that there is no rationale to modify to create it within the references.

Since there is no teaching of using different resynchronization markers at different intervals with different error resilience techniques, a *prima facie* rejection is not made out. No attempt is made to show such a thing in the Answer.

The unsupported assertion on page 17, lines 2-5 of the Answer, that the resynchronization markers would be different for HP and LP streams is certainly completely unjustified, baseless, and without any support in any of the cited references. It is simply a matter of boldly concluding for the first time in the Answer that the reference teaches what is claimed when, obviously, it does not.

Therefore, the rejection of claim 10 should be reversed.

Claim 19

In the Answer, at page 5, it is conceded that "Sun fails to disclose using first and second error concealment techniques with the respect first and second blocks." See Answer at page 5, lines 1-5. It is suggested that Shiomoto teaches using error concealment apparatus with different techniques.

It was never contended that Shiomoto teaches using different error concealment techniques with different frames. All Shiomoto teaches is using different error techniques with different types of display. Namely, with SDTV, base layer coding is utilized and with HDTV, additional coding is utilized. But there is no differentiation on a frame type basis.

Thus, the combination of the two references still fail to meet the claimed limitations.

Claim 27

For the reasons set forth with respect to claim 1, the rejection of claim 27 should also be reversed.

Respectfully submitted,



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